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October 16, 2019

VIA ECF

The Honorable Robert W. Lehrburger
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Room 1960
New York, NY 10007-1312

Re: ***Sergeants Benevolent Assoc. Health & Welfare Fund, et al. v. Actavis, plc, et al.,***
Case No. 1:15-CV-06549-CM-RWL (S.D.N.Y.)

Dear Judge Lehrburger:

We represent Sergeants Benevolent Association Health & Welfare Fund (“Plaintiff”) and write jointly with the Forest and Merz Defendants¹ and the non-settling Generic Manufacturer Defendants² regarding the Plaintiff’s proposed Second Amended Complaint.

On August 1, 2019, following a July 31 case management conference, the Court ordered (in relevant part):

“By August 30, 2019, Plaintiffs shall provide Defendants with a proposed amended complaint. The parties will meet and confer to resolve any issues associated with the proposed amended complaint, and raise any disputes with the Court by letter motion.”

Pursuant to Your Honor’s order/directive on August 1, 2019, Doc. 274, Plaintiff’s counsel provided Defendants with a redlined Second Amended Complaint on August 30, 2019. Thereafter, the parties met and conferred in an effort to resolve any issues associated with the proposed amended complaint but were unable to agree upon Plaintiff’s amendments.

¹ “Forest and Merz Defendants” include Actavis plc, Forest Laboratories, LLC, Merz Pharma GmbH & Co., KGaA, Merz Gmbh & Co., KGaA, and Merz Pharmaceuticals GmbH.

² The non-settling generic defendants include Dr. Reddy’s Laboratories, Ltd., Dr. Reddy’s Laboratories, Inc., Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries Ltd., Barr Pharmaceuticals, Inc., and Cobalt Laboratories, Inc.

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The parties are in agreement that the disputes cannot be adequately addressed in a letter brief, and therefore request a briefing schedule for Plaintiff's Motion for Leave to Amend. We propose the following dates, or such other dates as may be set by the Court:

Motion to Amend the Complaint: October 25, 2019.

Opposition to Motion to Amend the Complaint: November 22, 2019.

Reply in Support of Motion to Amend the Complaint: December 6, 2019.

Respectfully submitted,

/s/ Peter Safirstein

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cc: all counsel of record (via ECF)